

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JUAN CARLOS GARCIA,**

**Defendant.**

**8:11CR424**

**MEMORANDUM AND ORDER**

This matter is before the Court on the Defendant's Motion to Appoint Counsel, ECF No. 228. He asks the Court to appoint counsel for him if it appears he may be eligible for relief under the First Step Act.

The First Step Act, Pub. L. No. 115-391, 132 Stat. 5194 (2018), at § 404, permits but does not require sentencing judges to apply the Fair Sentencing Act to sentences imposed prior to August 3, 2010. The Fair Sentencing Act of 2010, Pub. L. No. 111-220, 124 Stat. 2372 (2010), effective August 3, 2010, reduced the penalties for certain crack cocaine offenses.

The Defendant was sentenced on September 10, 2012, to the statutory mandatory minimum term of incarceration (120 months) for the offense of conspiracy to distribute 50 grams or more of actual methamphetamine.

Accordingly, the First Step Act provides him with no relief.

**IT IS ORDERED:**

1. The Defendant's Motion to Appoint Counsel, ECF No. 228, is denied; and
2. The Clerk will mail a copy of this Memorandum and Order to the Defendant at his last known address.

Dated this 8<sup>th</sup> day of April 2019.

BY THE COURT:

s/Laurie Smith Camp  
Senior United States District Judge